Employers are unable to deal with this without high expenses, without high cost, without hiring individuals to take care and track what the increasing regulation burden is.

Today we are going to start with OSHA, and we are going to deal with that today. We are going to try to create an environment where we work together. You know, we could work together. In fact this happened in Wichita, Kansas, where OSHA targeted Sedgwick County, and said we are going to go to the homebuilders and we are going to make it a safe place. They stood off. They took pictures. They fined, they created citations, and the housing industry shut down.

We got the Wichita Builders Association together with OSHA and we said, why do we not work together? Why do you not come in on an announced basis, make a list of the violations, let the company have time to make the safe environment at the work area, and then come back and see how they are doing? Well, they did that. The housing industry went back to work. And they created a safe work environment by working together, working together instead of against each other in an adversarial relationship.

That is what we are talking about in changing the environment in America so that we can create and keep jobs in the future, working together and not against each other. Now, this environment here on the floor of the House is an adversarial environment. But yet we can work together. That is what we are advocating here, the government working with private sector to make more jobs in the future.

Ms. ESHOO. Mr. Speaker, the issue of competition is one that is lived out and dealt with daily in my congressional district, Silicon Valley.

As this resolution states, high-tech industries drive economic growth around the world. Every day my constituents tell me that the United States is falling behind our competitors in Europe and Asia.

This resolution identifies some of the challenges for U.S. competitiveness. But this is not enough. The resolution is not binding. It does not set into motion any legislative action to address the key issues relative to competition.

One of the top issues in Silicon Valley today is stock options. Broad-based employee stock options plans drive innovation and competitiveness.

The House overwhelmingly passed legislation I authored with Rep. BAKER to protect employee stock options almost a year ago, but the Administration has refused to lift a finger to get this bill through the Senate and to the President's desk.

For many, many years the high-tech industry has begged Congress to make the R&D tax credit permanent. It hasn't happened. What has happened is a decline in investment and a diminishment of innovation.

The President has said that the U.S. should have universal broadband access by 2007. We've yet to see the Administration's plan for achieving this. Today the United States has fallen to 16th in broadband penetration, down from 4th in 2001.

This resolution correctly points to education as a critical issue of competitiveness, but once again this Administration and the congressional majority have underfunded critical education programs. No Child Left Behind is funded $39 billion below its promised level. Pell grants will be eliminated for 90,000 college students, and an additional 1.3 million students will have their scholarships reduced this year. These figures do not meet the standards of a great nation serious about her technological and competitive future.

The resolution states that energy is a major problem, yet the Department of Energy's independent analysts have said that the provisions in the House energy bill will have a "negligible" impact on prices, production, consumption, and imports of energy.

The Administration continues to underfund critical Federal research programs, flat-funding civilian research and development and reducing total Federal research by $400 million. This underfunds our collective future.

What is missing in the Congress is the commitment to reshape the critical policies which will renew our Nation's competitiveness in the 21st Century.

Mr. UDALL of Colorado. Mr. Speaker, I am not voting for this resolution, because I think it does not make a constructive contribution to the problems facing our country and the national economy.

The resolution says that trade restrictions and inequality are barriers to keeping and creating jobs in the United States—but it does nothing about them, just as it does nothing to make it easier for Americans looking for work to find good jobs.

The resolution says that bureaucratic red tape is a barrier to economic progress, but it does nothing to reduce that barrier or to require the Bush Administration to exercise leadership in reducing red tape.

The resolution says there is need for more innovation and investment, but it offers nothing substantive to promote innovation or to encourage more productive investment.

The resolution correctly says there is a need to overcome barriers to health care security, but it does nothing to help the millions of Americans who lack health insurance or to make good health care more affordable.

The resolution says we need to promote lifelong learning, but is silent as to how to go about achieving that desirable result.

The resolution mentions taxes and the complexity of the tax laws, but provides no useful suggestions as to how to reduce that complexity or to promote tax fairness.

The resolution complains about "lawsuit abuse" and seems to support "litigation management," but says nothing about the extent to which the courts can protect individual rights and the essential role of law in our society.

And while the resolution correctly says there is a need for greater energy self-sufficiency and security, it does nothing about it. While that actually is an improvement over the energy-policy bill the House passed earlier this year, with its many wrong-headed provisions, it falls far short of what is needed.

In short, this resolution is not serious. It deserves neither the time consumed in debating it nor approval by the House. I will not vote for it.

Mr. MARSHALL. Mr. Speaker, I voted for H. Res. 352 because I agree that there are barriers to keeping and creating jobs within the United States and that Federal agencies ought to review their rules and policies to improve the competitiveness of our economy. But I do not associate myself with the sense of the "Whereas" clauses that America must adopt foreign values and standards in order to compete economically. I also note that the "Whereas" clauses include partisan distortions and falsehoods that are an ill-considered disservice to the cause of American competitiveness.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, House Resolution 352.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OWENS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 739, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005; H.R. 740, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005; H.R. 741, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005; H.R. 742, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 351

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 740) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission. The bill

shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 4. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 5. (a) In the engrossment of H.R. 739, the Clerk shall—

(1) await the disposition of all the bills contemplated in sections 2–4;

(2) add the respective texts of all the bills contemplated in sections 2–4, as passed by the House, as new matter at the end of H.R. 739;

(3) conform the title of H.R. 739 to reflect the addition to the engrossment of the text of all the bills contemplated in sections 2–4 that have passed the House;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of the bills contemplated in sections 2–4 that have passed the House to the engrossment of H.R. 739, such bills shall be laid on the table.

(c) If H.R. 739 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), the bill contemplated in sections 2–4 that first passes the House shall be treated in the manner specified for H.R. 739 in subsections (a) and (b), and all other bills contemplated in sections 2–4 that have passed the House shall be laid on the table.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution before us is the rule for the consideration of a package of four bills, H.R. 739, 740, 741, and 742. They are pieces of legislation which passed with a significant bipartisan majority in the 108th Congress and are once again being brought to the floor today to help reduce the impact of unduly burdensome regulations for American small businesses and thereby enhancing American competitiveness, and to restore fairness in applying workplace safety regulations to small business.

The rule before us, House Resolution 351, provides for the separate consideration of each of these four bills. Under the rule, each bill will have its own debate time and the opportunity to be thoroughly debated and voted on by this body.

Finally, the rule also provides that at the close of consideration of these measures, the Clerk of the House will be directed to combine the text of each of these bills that do pass the House under this rule as one engrossed bill, and send that bill to our friends on the other side of this Capitol, where they will have a better opportunity this time to be both deliberative and, hopefully, active at the same time.

While this may seem to be a complicated rule, the effect is quite simple. The bills brought up for consideration under this rule will allow small businesses to focus more of their energy on competing in the marketplace, providing their customers with better goods and better services and creating new jobs across America, rather than spending their time paying questionable fines, wrangling with regulators, worrying about the uncertainties created by an inadequate dispute process, created by staffing shortages, or having to pay for lawyers' fees to help fight a just cause with occasionally insensitive, but most often distant, Federal bureaucracy in Washington, D.C.

The gentleman from Ohio (Chairman BOEHNER) and the subcommittee chairman, the gentleman from Georgia (Mr. NORWOOD), as well as the hard work by both Republican and Democratic Members of this committee, are to be commended in bringing a well-balanced small business fairness package to the floor today.

The first of these four bills, 739, which is the Occupational Safety and Health for Small Businesses Day in Court Act, tries to provide flexibility to employers filing responses to OSHA citations.

We currently have a hard and very arbitrary standard of 15 days to respond to an OSHA citation, even though in the 1980s, the Federal Rules of Civil Procedure granted employer relief to file a late notice if there was a mistake, inadvertence, a surprise, or excusable neglect.

This bill simply codifies this commonsense practice. Hard and fast deadlines in instances sometimes work an injustice, but in any case they provide only a safe standard for the bureaucrats, but lack the common sense to help small businesses which were clearly recognized in the Federal Rules on Civil Procedure.

□ 1215

There is no good reason why we should not codify for all what is occasionally given to some and allow for some discretion in granting relief to innocent employers for, as the law says, mistake, inadvertence, surprise or excusable neglect. There should be no controversy over this commonsense bill.

The second bill, H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005, provides for the addition of two additional members to the review commission, and the additional human resources will allow it to complete its work in a timely fashion for the benefit of both employers and employees. For two-thirds of the life span of the review commission's existence, the commission has frequently been paralyzed by vacancies that have resulted in several critical and well-documented inefficiencies and rendered the entire regulatory scheme devised by Congress to resolve OSHA disputes as unworkable. The byproduct of this breakdown delays final adjudication. It harms real business. It hinders real job creation. There is a simple and easy way to resolve this particular problem.

The third bill, H.R. 741, the independent review of OSHA citations, by legislative history and practice, OSHA was designed to be responsible for rulemaking, enforcement and adjudication. But Congress also established a review commission. Its intention was to give an independent review of OSHA functions as a check on prosecutorial excesses by OSHA.

A 1984 court decision extended the concept of administrative deference to the agency and subsequent court decision which have been conflicting, have compounded the problem, and conflicted the process of checks and balances Congress intended. This bill simply restores responsible checks and balances to the current system by making it clear that it is the commission's legal interpretation that should be given proper judicial deference.

Finally, Mr. Speaker, the fourth bill, H.R. 742, deals with small employers' access to justice. This simply provides for a small employer to have payment of attorney fees when that small employer prevails in litigation that was prompted by the issuance of a citation by OSHA. The legislation is simple in its rationale: Small business people should not be intimidated into blindly following mandates because they do not think they can afford to fight a case in court in which they would otherwise prevail. This levels the playing

field so that small businessmen and businesswomen have an equal chance with powerful government bureaucracies that have virtually unlimited legal resources of the Federal Government behind them. This bill helps the mom-and-pop businesses to be able to have the courage to speak up for themselves when they are right.

Small businesses still provide a majority of the jobs in this country, and they feel the economic pressure brought by government regulations and taxes every day. It is only fair that through these four bills in these very specific areas that we take care to remove any economic incentives for the fostering of an insensitive Federal regulatory bureaucracy.

Mr. Speaker, these are four commonsense good bills which, once again, enjoyed a bipartisan majority of Members' support in the 108th Congress.

Our country has had 35 years of experience with OSHA. As documented in testimony before the House Committee on Education and the Workforce, modest improvements are needed to restore balance to the regulatory scheme through these bills as they relate to small business. Last year, the Office of Management and Budget reported to the Congress the annual cost of major Federal regulations for the decade from 1992 to 2002 was somewhere between $38 and $44 billion which means that, for every dollar we spend for regulation, we also as a government spend $1.50 for compliance costs and the private sector spends $45 in compliance costs.

The over-regulation of business puts us at a competitive disadvantage with the rest of the world, places unlimited, unnecessary limits on our economy and harms the consumer.

I am proud the congressional leadership is continuing to look at ways to pare back the overwhelming growth in regulation and bureaucracy, and I urge my colleagues to support the rule for these four bills to keep American businesses competitive in a global marketplace, to keep jobs here in America. I urge my colleagues to support this rule and the underlying bills.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Utah (Mr. BISHOP) for the time.

Mr. Speaker, I rise today in strong opposition to this closed rule and all four of the underlying pieces of legislation that it encompasses. For those who did not hear me the first time, I said four pieces of legislation under one closed rule.

This is a quadruple coupon day in the House of Representatives, Mr. Speaker. Four opportunities to shut off democracy for the price of one. What is perhaps most offensive about the rule is the fact that not one amendment was made in order for any of the four bills. Let me repeat that: Not one amendment was made in order for any of the four underlying bills.

Closed rules are an affront to our democracy. We should stop it now. My outrage and the outrage of all on this side of the aisle is as much about process as it is about policy. Pure partisan politics never produces sound public policy. And patronizing corporate interests to pad one's campaign coffers has no place in the people's House. Yet, that is all the majority seems interested in doing.

The political score Republicans are seeking to settle with their barrage of anti-working-class legislation is not going to be fulfilled by stifling debate and blocking Democrats out of the process. Republicans are calling this the OSHA fairness package. Fair for who? There are only losers with these bills, Mr. Speaker, and the biggest victim is the American worker. All four of the underlying pieces of legislation represent a buffet of rollbacks in our laws governing working conditions.

Mr. Speaker, do we have an overwhelming epidemic in this country of ridiculous and overzealous workplace lawsuits that I do not know about? The judicial process for violations and workplace health and safety standards has been in place for nearly 30 years. It is fair, and most importantly, it protects the rights of workers. Yet, two of the underlying bills affecting OSHA standards are coming as a direct result of recent court rulings that Republicans and their corporate friends do not agree with. The other two are aimed at stacking the OSHA commission with anti-worker commissioners and creating a system where only those who can afford legal representation will be permitted to file a complaint with the Workplace Safety and Health Board.

Mr. Speaker, I do not like the new policy of this Congress which can best be described as ''when the courts rule against you, legislate against the courts.''

Why are we stifling Members from offering thoughtful amendments? Just one example, if I may. The ranking Democrat on the Committee on Education and the Workforce, my good friend, the gentleman from California (Mr. GEORGE MILLER), a man who served in this body for 30 years and is known throughout the country as a champion for working-class Americans, Republicans denied him the opportunity to offer a substitute to one of the underlying bills that came out of his committee.

Had the majority made the Miller substitute in order, the House could have done something today that would have actually benefited working-class Americans. We could have had a real debate about increasing the minimum wage to a meager $7.25 an hour.

Realize, this is an amount that while above the current level of $5.15 is significantly below the much needed living wage that is needed to pull someone making the minimum wage 40 hours a week above the poverty line. In blocking the gentleman from California (Mr. GEORGE MILLER) from offering his amendment, Republicans are again proving that they are anything but the people's party. Perhaps the majority is blocking what it knows it cannot defeat, or better yet, perhaps the majority is just protecting its members from taking a vote that will show their true colors. Shame on them and shame on this body if it allows this assault on American workers to continue. None of us in this body would want to live on $5.15 an hour. None of us would want to work three jobs just to make ends meet. None of us would want to work three jobs and still have no health care. Yet, that is what we are asking, no, requiring millions of our fellow citizens to do.

When the opportunity to increase the minimum wage presents itself, Republicans blocked House Members from voting on it. At least in the other body, while the leadership opposed an increase in the minimum wage, they at least permitted a vote. Protecting the rights of those most in need is the cornerstone of our great democracy. I refuse to remain silent while those on the other side of the aisle seek to dismiss this cardinal American value.

I urge my colleagues to reject the closed rule and oppose the underlying pieces of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am appreciative of being able to talk about the four bills dealing with regulatory reform, all of which have had full debate in the committee this year, as well as full debate in the committee last year. And the Committee on Rules did approve every amendment that was germane. Unfortunately, of the three amendments that were present, none of them were germane to the topic of regulatory reform.

Mr. Speaker, I yield 7 minutes to the gentleman from Georgia (Mr. NORWOOD), the subcommittee chairman, to address this rule.

Mr. NORWOOD. Mr. Speaker, I cannot help but add or repeat so our Members know, the amendments that were not accepted from the Democrats had nothing to do with these bills. They were simply not germane, and I know that upsets them, but those are the rules of House.

Mr. Speaker, I rise in support of this rule which provides the House an opportunity today to address four very important bills. These measures in my view are very modest reforms. They have been narrowly drafted to make needed changes in our law, actually for about 34 years, while avoiding the possibility of any reduction in the current levels of workplace protections.

Now, I believe that our committee, at least most of our committee, believes that. As such, a structured rule providing for consideration of these four

measures on their merits in my view is entirely appropriate.

As I will detail later in the debate on these bills, we need to implement these changes because small employers ought to be devoting more of their time and attention to creating new jobs and less on dealing with government lawyers intent on manipulating legal technicalities. And that, in fact, is going on. With that, I will briefly summarize each of these bills for my colleagues.

The first measure for consideration under this rule is H.R. 739, the Occupational Safety and Health Small Business Day in Court. In almost every other court in this Nation, a party that acts in good faith but nonetheless misses a lead deadline that results in a legal default can ask the court to have the case heard on its merits. Currently, there is doubt over whether the Occupational Safety and Health Review Commission, the agency specifically and importantly created by Congress to hear each legal dispute between an employer and OSHA, has the statutory flexibility to grant this type of relief.

All H.R. 739 does is to provide flexibility that almost every other court in the Nation exercises. We use identical terminology to that used in the Federal Rules of Civil Procedure, Rule 60(b), a rule used by nearly every other court in the Nation.

The second bill provided for under the rule is H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2004. Under current law, two members of a three-member panel are needed to constitute a quorum. For 20 percent of its existence, this agency has lacked even a quorum of two. OSHRC has had a full complement of members seated and active for only about one-third of its history. That does not work. That does not work for anybody.

Even now, the commission can be paralyzed only with two members if there is not complete agreement as to all points. To remedy the situation, H.R. 740 proposes, increases the membership of OSHRC from three members to five. This change is modeled on other government agencies and, in particular, the Federal Mine Safety and Health Review Commission.

H.R. 740 also incorporates a new provision that permits the President to invite an incumbent member of OSHRC whose term has expired to hold over until a replacement can be confirmed by the Senate.

□ 1230

Now, this just makes sense if you want OSHRC to work, and I do. There are some cases that have been over there for 8 years, for pity's sake.

Now, my friends on the other side may say, oh, all they are trying to do is to pack the commission because there is a Republican President. Well, these commissioners do not serve for life. You will have an opportunity sometime in the future maybe to put your own commissioner on there, but we need to get these things resolved. This will solve that.

The next measure to be considered under the rule is H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act of 2005. This one is important, in my view. H.R. 741 simply reinstates congressional intent, and we will say that over and over in the next 4 hours, because an activist judge changed the law of 1971.

The legislative history of the OSH Act clearly indicates that back in 1970 Congress realized that in granting extraordinary and unprecedented authority to OSHA, the agency would need some mechanism to make sure that the authority was not abused. If you study the history on this a little bit, Senator Javitz noted the future of the OSH Act depended on this compromise that created an independent review at the time it was passed, with a Democratic House and a Democratic Senate and a Republican President.

This bill never would have passed had not this review been put in there. H.R. 741 simply restores congressional intent by ensuring that this review is, in fact, an independent one and not dictated by OSHA.

The last measure considered under the rule is H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act. This measure simply levels the playing field for small employers by encouraging OSHA to better assess the merits of the case before bringing the full force and power of government litigation against small businesses.

To empower small business employers to seek their day in court, H.R. 742 simply provides that if OSH loses, very small employers can recover their attorneys' fees and costs. This remedial measure is important because it has become crystal clear that failings in current law prevent almost any recovery of attorneys' fees in the OSHA environment. I think there has been one and a half a year for the last 24 years.

Mr. Speaker, the rule under consideration provides for ample debate on each of these measures. I urge my colleagues on both sides of the aisle to support both this rule and each of the bills we will consider under it.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California (Mr. GEORGE MILLER), a champion of worker rights.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, for his leadership on the Committee on Rules, and for being such a stalwart on behalf of worker protections.

Mr. Speaker, I urge Members to defeat the previous question on the rule and allow this body to have an up-or-down vote on an increase in the minimum wage. By refusing to take up this bill over the past 9 years, the leadership of the House must take responsibility for what effectively is a repeal of the national minimum wage.

American workers are long overdue a raise. Real wages are declining for the first time in more than a decade, while prices of health care, gasoline, and other necessities are rising, making it even more urgent that we raise the minimum wage now. The minimum wage has been stuck at $5.15 an hour since 1997. That is $5.15 an hour since 1997, and that is what this Congress has done to the American worker.

Every American deserves a decent wage for the work they do, and most Americans agree that we should raise the minimum wage. They see it as a matter of fairness for their fellow workers. Unfortunately, the Republican Congress disagrees, and the Republican Congress disrespects workers and violates the will of the people when it refuses to increase the minimum wage. We ought to respect workers by guaranteeing them a fair wage. Work should be the path out of poverty, but millions of Americans work full time every day all year long and still live at poverty because they work at the Federal minimum wage.

The failure of Congress has pushed millions of America's most vulnerable workers into poverty or near poverty. The Fair Minimum Wage Act of 2005 we present today as an alternative to these bills which roll back health and safety protections would in fact raise the minimum wage to $7.25 an hour in three steps, $5.85, 60 days after enactment of the bill; $6.55 one year later; and $7.25 one year after that.

This would reverse the trend we now see where the number of Americans in poverty has increased by 4.3 million since President Bush took office. Nearly 36 million people live in poverty, including 1 million children.

A recent report by the Center of Economic Policy Research shows that most minimum wage workers make a significant contribution to total family income. Half of them are between the ages of 25 and 54. Many workers find themselves trapped in minimum wage jobs; more than one-third of 25-to-50-year-old workers in minimum wage jobs are still earning a minimum wage after 3 years.

Another report from the Children's Defense Fund finds that the annual income of a single parent working full time at minimum wage covers only 40 percent of the estimated cost of raising two children; 7½ million workers will directly benefit from minimum wage increases. More than 84 percent of those workers are 20 years old or older, 45 percent are married or have children, 60 percent work full time, 59 percent are white, 13 percent are black, and 23 percent are Hispanic, with 57 percent women and 94 percent, of course, not protected by union representation.

In the past 8 years, Members of Congress have had a COLA seven times. In those same 8 years, minimum wage workers have not gotten a single raise. They continue to earn $10,700 a year for working all year, all day long.

Mr. Speaker, we should vote against the previous question so that we will have an opportunity to offer this up-or-down vote on the minimum wage, one that is sorely overdue and one that has been kept from the American public, despite its overwhelming support by the Republican leadership of this Congress.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume to note that, though I appreciate the very articulate remarks of the gentleman from California about the issue at hand, which is a significant issue we should somehow debate, I remind him that we are talking here about reform of a regulatory process of OSHA. The gentleman's comments are not germane to this particular bill. There will be a point in time for that discussion, but we should not cloud what this bill is actually doing.

Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. DAVIS) to hopefully clarify this.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in strong support of this rule and the underlying legislation. I want to take this opportunity to thank my colleague, the gentleman from Georgia (Mr. NORWOOD), for 10 years of leadership in this body on a very critical and important issue.

The opposition today just simply neglects the reality that these bills do not affect safety at all. Rather, they will improve the climate of business, and they will improve the opportunity for safety because all small business owners know that good safety makes good business, and safety is not what this is about.

OSHA was founded to establish a common guideline to improve safety and, hence, to improve competitiveness nationally. But it has mutated into an organization that is seen in the business community, frankly, with fear, as one that comes with retribution, of uncertainty and subjectivity in enforcement. Each piece of legislation being considered today makes commonsense and practical reforms to the Occupation Safety and Health Administration and to the Occupational Safety and Health Review Commission to restore original intent of the act from 34 years ago. Moreover, it will restore the context and the spirit of the original intent of the law.

Mr. Speaker, I have spent most of my professional life in manufacturing, working with small manufacturers who were competing in the global economy and dealing with compliance issues. I have seen this lost original intent firsthand. What was intended to provide that commonsense standard is now a confusing mass of regulations that create cost, that cost us jobs, and that damage competitiveness without affecting one aspect of safety. Indeed, 50 percent of the regulations that OSHA can shut down a business with have nothing to do with safety, but paperwork compliance.

I have watched subjectivity and enforcement where one of my clients, who had never had a lost day for a safety violation, was violated repeatedly because this perfect facility had railings that were 34'' instead of 36'' tall all around their machining center, costing them tens of thousands of dollars in legal fees.

Another client, who had over 100 identified safety violations that I personally noted in my report to their corporate parent, was never violated because of personal relationships and subjectivity in that particular locale. This is a travesty and misses the entire point because the workers in the one location were adversely affected by a lack of context and enforcement.

Ironically, the fiercest opponents of this small business-friendly agenda have never created a job, have never met a payroll, and have never sacrificed personally to ensure their employees have had their benefits and had their salaries. I have done that, the gentleman from Georgia (Mr. NORWOOD) has done that, and those who are supporting this legislation in many cases have themselves.

OSHA serves an important function, but I remember one thing one of my supporters, Riley, said, who started a business from scratch and has the great loyalty of hundreds of his employees in his small business: he believes that nobody should run a Federal regulatory agency or even serve in Federal elected office unless they have created one job, because it changes your world view and your outlook regardless of party.

OSHA was created to protect the safety of the workforce and not to strangle small business. This legislation represents four commonsense solutions for fine-tuning OSHA to improve protection for our workers, while reducing unnecessary burdens on small business.

H.R. 739 allows the review commission to waive the hard 15-day rule appeals deadline for cause. As my colleague previously mentioned, it removes ambiguities in the current law and brings context to specific situations so that there can be a climate of dialogue and compliance. Most small businesses cannot afford to maintain in-house compliance professionals, and an OSHA citation can be intimidating and confusing, regularly causing small businesses to miss that 15-day window inadvertently. This resolution simply permits a waiver for demonstrated causes or mistake.

H.R. 740 increases the number of commissioners on the review commission, not to stack the deck, but to allow the backlog of cases to be able to be removed so these businesses can get back to creating jobs, generating growth in our economy, and ultimately providing a future for the generation following behind us.

Currently, there are citations on appeal that have been unresolved for 8 years. We cannot compete in a climate like this. Stalemate serves no one.

H.R. 741 clarifies the original congressional intent by affirmatively declaring that a review court must defer to the review commission. This brings it back into original statutory compliance and original intent. The review commission was designed to be the independent arbiter or judge. OSHA, on the other hand, serves as the prosecutor. Deference by a reviewing court should be given to the independent arbiter, not to the prosecutor.

Finally, H.R. 742 allows a small business to recover its legal costs if it wins. Under current law, a small business is often faced with simply paying the penalty because it is cheaper than fighting. Too often our small businesses suffer devastating financial losses just to prove they are innocent.

In the case I mentioned previously that had no safety violations, or no loss time for safety violations but was violated on silly paperwork compliance, there were jobs lost, or actually not created, more correctly, because of those tens of thousands of dollars spent paying attorneys instead of paying working families.

As a former small business owner, I know the important impact of this legislation, what it will have on our small businesses, on the safety of their employees, and on the generating of additional hopeful jobs for working families.

I urge all my colleagues, Mr. Speaker, to vote in favor of this rule and to support this critical underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, as an original cosponsor of the Fair Minimum Wage Act of 2005, I urge the Members to defeat the previous question on the rule and to allow a vote on raising the minimum wage.

Raising the minimum wage is a very important matter for working families in America. The four bills we will have before us today are packaged and they are designed to try to trivialize one aspect of the government's relationship with working families: their safety. We want to trivialize workers it seems, and working families in every way possible. In fact, the gentleman just before said unless you have created a job, you do not deserve the right to speak on policy. Only those who have created jobs. Well, one might take the attitude that unless you have fought in combat on the front lines in America, you do not deserve to make policy.

Working families provide the soldiers who defend this Nation. In all the wars, 90 percent of the people who die are from working families. In Iraq, the people on the front lines are from working families. Working families deserve the protection of their government on the job through OSHA and any other device we can use.

□ 1245

They also deserve an increase in the minimum wage. Let us take a look at

the scandal of the minimum wage. Let us stop for a moment and consider the fact that Members of Congress have had several increases in their wages in the past 8 years. Members of Congress will have raised their own pay seven times by $28,500. Let me repeat, in the past 8 years, Members of Congress have raised their own pay seven times by $28,500. In those same 8 years, minimum-wage workers have not increased their wage by a single penny. They continue to earn $10,700 a year, $5.15 an hour.

All we are saying is, please, Members of Congress who have gotten a $28,500 raise in the last 8 years, let us all together sponsor a very moderate, conservative bill, it is far too conservative for me, but where we would raise minimum wage to $7.25 an hour in three steps. Our bill only proposes that we raise it to $5.85 an hour 60 days after the enactment of the legislation. We raise it to $6.05, 1 year later, and 1 year after that, we raise it to $7.25. That is what we are proposing. Who can disagree with that?

Today, the real value of minimum wage is more than $3 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would need to be more than $8.50 today. I strongly urge that we consider this amendment. Working families in America deserve some of the fruits of the Nation's prosperity. They deserve to have their government not only call upon them to defend the country in times of war and to die, they deserve to have their government look out for their interests all of the time. Giving them a way to earn a living is a good beginning.

The neglect that we have experienced on the battlefield of Iraq with combat soldiers not being properly outfitted is a reflection of the way we feel about working families. Working families deserve our attention. I urge Members to defeat the previous question.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, I have enjoyed the articulate and emotional discussion that has gone forward on this rule so far. Eventually, we may actually have a bill that meets the debate.

I would remind my colleagues that these four packages are how we help small business negotiate through the stream of Federal regulation.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Chairman BOEHNER) to once again reemphasize that point.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we are here today to discuss four important bills that make modest reforms to the Occupational Safety and Health Act. These bills will help enhance business competitiveness, encourage further job creation, but most importantly, they will help improve worker safety by promoting a cooperative climate between employers and OSHA that focuses on results.

Last week, the Department of Labor reported that more than 3.7 million new jobs have been created since May of 2003, marking the 25th consecutive month of sustained job creation. But we want to make sure that onerous government regulations do not hamstring small businesses' ability to hire new workers and compete in our economy. That is why these bills are important, and that is why they are on the floor today.

OSHA regulations are amongst the most complex and difficult legal requirements imposed on employers today. For many employers, especially smaller employers, compliance with OSHA regulations is a challenge even with help from experts. Many smaller work sites could make significant progress in reducing injuries and illnesses if OSHA would just lend them a helping hand through cooperative partnerships. These voluntary partnerships take nothing away from strong enforcement. They supplement traditional enforcement programs to help achieve the best results.

These four bills remove the arbitrary and unintentional legal traps in current OSHA law that help hamstring better trust and voluntary cooperation between the agency and employers. While fairly modest in substance, these reforms are important to small business owners who struggle every day to comply with complex OSHA laws and provide a safe working environment for their workers while facing an increasingly competitive worldwide economy.

Employers who make good-faith efforts to comply with OSHA standards deserve to be treated fairly and have their day in court. These commonsense bills will help ensure they receive that opportunity. These commonsense bills passed the House last year with bipartisan support, and they deserve every Members' support today. The rule before us is a fair rule, and I urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I kind of question whether a closed rule is fair, but I hear the chairman.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, 38 years ago, I was a single working mother with three small children. They were 1, 3 and 5 years old. I was receiving no child support, earning minimum wage. Even though I was employed, I was earning so little I needed welfare to provide my children with the child care, the health care, and the food that was necessary to keep us going. Even though I was educated, I had good job skills, I still was not earning enough to fully support my family. My story bears repeating because too many families today are in the absolute same predicament I was 38 years ago.

If this Congress is truly serious about reducing dependence on welfare, let us increase the minimum wage, let us pay working parents enough to support their families and take care of themselves. Otherwise, taxpayers who pay for welfare are subsidizing employers who do not pay a livable wage.

The minimum wage has not kept up with the increase in the cost of living. Workers these days can put in a full day, 40 hours a week at minimum wage and still live below the poverty level. The majority leadership in this Congress want to kick single moms and their families off welfare, and they want to cut $10 billion out of Medicaid to reduce health benefits for low-income families.

A minimum wage increase is also a matter of basic fairness for millions of working Americans. It is not as if businesses are not doing well. Private business productivity has and is increasing. Profits are up, but wages are stagnant. What is wrong with this picture? Is it not time to let American workers share in the fruits of their labor?

President Bush and his allies say they support traditional American family values. Well, let us return to the traditional family value of paying an honest wage for an honest day's work by raising the minimum wage. If they, the Republicans, believe their own rhetoric, they would have allowed this discussion as part of this bill.

Vote ''no'' so we can discuss minimum wage and an opportunity for everybody in the House to say their piece. Vote ''no'' for the four bills included under this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the gentleman for yielding me this time opposing this rule.

I would like to express my disappointment that the Committee on Rules refused to allow a vote on an amendment that has bipartisan support, an amendment that would require to list contract workers on their injury site log.

This was not a major expense or an inconvenience for employers, yet the Committee on Rules defeated it on a party-line vote.

The bills that are up today are not major legislation. They may correct individual problems, and each of them need to be debated, and they should be. But not to allow other needed OSHA reforms is a travesty of this House because of the situation I am getting ready to talk about. Our amendment was defeated on a party-line vote, even though we have bipartisan support on the original legislation that was introduced in March of this year.

Mr. Speaker, 15 people lost their lives during an explosion and fire at a refinery in Texas City. This is a picture of the site, and I include for the RECORD a copy of the Baytown Sun article on the

deadly accident. This picture shows the site in Texas City.

The bills that are allowed under this rule will do nothing to help the 15 people killed in this accident. Nothing. That is what the travesty is on this floor today.

A series of news articles quickly discovered that it is extremely difficult to assess the safety of such facilities due to the way employers are required to keep their site logs of injuries on the work site. While all deaths and injuries are reported to OSHA, only those involving direct employees of the site-controlling company are required to be maintained on the site incident log. This means that the incidents involving contract workers or part-time workers do not show up on the injury log employers are required to keep by law. Unfortunately, because current law does not require them to do so, the site log will look just the same as it did the day before March 23. It will show no lives were lost.

Those 15 workers who died on this site were contract workers, and they should be reported. Residents and communities surrounding these facilities have a right to know if they live near a place that could endanger them if something were to go wrong. If we had full disclosure of these incidents, the free market system may be able to work. Workers are less willing to work in hazardous environments, so facilities would have incentives to improve safety. Right now, it is nearly impossible to determine exactly how many accidents have occurred at a particular site without cross-referencing contracts between employers and contractors.

OSHA has known these reporting requirements were a problem for 14 years, and yet here we are today dealing with three pieces of legislation that deal with nothing to do with contract workers.

In 1989, one of the most serious plant explosions in our country occurred at a plant in Pasadena, Texas, and I am honored to represent that area. This accident killed 23 workers and injured 232 others. As a result, OSHA called for a study regarding the use of contract labor in the petrochemical industry. This study was conducted while the first George Bush was President, and this study found there was a lack of adequate injury and incident data. It states that current data reporting procedures do not capture the full range of injury or illnesses experienced in the industry because the injury statistics do not include the experience of contract workers.

This amendment does not require an industry to do anything more than record injuries and accidents on their site log regardless of whether they are their employee or someone working on their site. I am not here to bash employers or OSHA. The bottom line is that neighbors and employees have the right to know. These bills that we are considering today may very well weaken job safety, but I do not think they are that major. We should be working on a bipartisan basis to solve problems and prevent deaths and injuries like what happened on March 23, 2005, in Texas City, Texas. That is why these three bills are woefully inadequate to deal with the problems that we have with on-site job injuries right now.

[From the Baytown Sun, June 29, 2005]

ALARMS, INSTRUMENTATION FAILED IN BP REFINERY BLAST

(By Pam Easton)

NASSAU BAY.—Key pieces of instrumentation and alarms at BP's Texas City refinery weren't working properly in March when explosions rocked the plant, killing 15 and injuring more than 170, federal investigators said Tuesday.

Don Holmstrom, lead investigator with U.S. Chemical Safety and Hazard Investigation Board, said an alarm within the isomerization unit—where the explosion occurred—didn't work properly until after the explosions had begun.

Holmstrom also said a sensor in a section of the raffinate splitter, which separates chemicals for gasoline production, indicated the liquid level in the tower was decreasing when it was instead flooding. Another alarm that should have sounded when the liquid exceeded 10 feet high didn't activate, ''even as the liquid flooded more than 12 times that height,'' Holmstrom said.

Among the 15 people killed in the March 23 explosion, seven were from Baytown or surrounding communities.

They were: Jimmy Hunnings, 58, of Baytown; Morris Raymond ''Monk'' King, 57 of Baytown; Susan Duhan Taylor, 33, of Baytown; Ralph Herrera Jr. 27, of Baytown; Larry Linsenbardt, 58 of Mont Belvieu; Ryan Rodriguez, 28, of Dayton; and Lorena ''Lori'' Cruz, 32 of La Porte.

BP spokesman Ronnie Chappell said the federal safety board's findings are similar to the company's own investigation completed in May.

The company blamed staff errors for the March 23 explosion and fire. Among the procedural lapses company executives cited were a lack of supervision and a six-minute window in which unit supervisors could have sounded an alarm to evacuate the area, but didn't.

''If personnel responsible for the safe start-up of the isom unit had followed procedures, the fire and explosion would not have occurred,'' Chappell said Tuesday.

An alarm notified operators of a liquid level that was too high in the raffinate splitter at 3:05 a.m. on March 23, company records show. An operator silenced the alarm, but an illuminated warning remained on screens and the alarm remained in effect until 1:20 p.m., the time of the blast, Holmstrom said.

Meanwhile, liquid-level indicators drifted down from 100 percent to 79 percent beginning at 7:30 a.m., and ''erroneously indicated to operators that the liquid level in the tower was below 10 feet and was falling back toward a normal value.''

However, the 164-foot tower was instead flooded with liquid that reached 120 feet or more, Holmstrom said. A normal level is below 10 feet.

When the excess liquid and vapor was discharged, it overwhelmed one of the unit's systems, causing the vapor and liquid to be released and ignited by a still-unknown source.

Holmstrom said federal investigators will spend the next four to six weeks testing at least 30 instruments and other equipment in the isomerization unit, which boosts the octane level in gasoline. Federal investigators have also asked BP for equipment maintenance records. Chappell said BP was cooperating.

Holmstrom said it is ''unprecedented'' for his investigators to spend so much time looking into equipment, instrumentation and their possible failures.

''Our objective is to understand why this tragedy occurred, and, we hope, to prevent similar occurrences in the future,'' he said.

The board will hold a public meeting to discuss complete findings of the federal probe this fall, Holmstrom added.

Chappell said BP and federal investigators have the same goal.

''We want to ascertain exactly what occurred and take action to prevent something like this from ever happening again,'' he said.

The blast was the plant's third accident in a year, following a March 2004 explosion that caused an evacuation.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I join my colleagues in rising in the defense of America's working poor. Instead of weakening workplace safety and not doing this today as the majority intends to do, we ought to be strengthening the American family by raising the minimum wage.

Mr. Speaker, I include for the RECORD a report by the nonpartisan Congressional Research Service which shows that minimum wage will be at the lowest value as a percentage of poverty in nearly half a century.

Mr. Speaker, it has been 8 years since Congress has increased the minimum wage. In those 8 years, Members of Congress have raised their own pay seven times by $28,500.

□ 1300

In those same 8 years, minimum wage workers have not gotten a single raise. They continue to earn $10,700. We have given raises to Federal employees. We have given tax cuts to the extremely wealthy. We have given tax breaks to oil and a host of other big industries. But we have ignored the needs and the plight of America's working poor. This study proves it, and it is time to change it. The current minimum wage fails to provide enough income to enable minimum workers to afford adequate housing in any area of this country. It is inexcusable that today in America nearly one-fifth of children go to bed hungry at night while their parents work full time at minimum wage. Whether one is a Democrat or a Republican, ending child poverty should be central to our domestic agenda. Nearly 3½ million children have parents who would get an immediate raise if Congress increased the minimum wage.

Hard work is an American value. We teach our children the importance of work and encourage them to do well in

school to achieve a job that rewards it. Despite this, 36 million working Americans live in poverty. Poverty and wage volatility have doubled for full-time, full-year workers since the 1970s. Since President Bush took office, the cost of housing has gone up 33 percent, college tuition has gone up 35 percent, and health insurance has gone up 59 percent. But the working poor have not seen one thin dime.

Leave No Child Behind is a cruel joke. America's future depends on strong families, and if Members believe in values of families, as some say they do, then they would vote this rule down. Every day we prolong raising the minimum wage, we ask families and children to do more with less. It is a bankrupt policy. Instead of rolling back workplace protections or fooling around the edges with that, we should be increasing the minimum wage.

I urge my colleagues to vote against this misguided rule and move on something more important, which is reinvesting in America's people.

JULY 5, 2005.

Hon. JIM MCDERMOTT,
House of Representatives,
Washington, DC.

MEMORANDUM: HISTORICAL RELATIONSHIP BETWEEN THE MINIMUM WAGE AND POVERTY, 1959 TO 2005

This memorandum is in response to your request about the historical relationship been the federal minimum wage and poverty from 1959 to 2005. In particular, you were interested in the annual income a full-time, full-year worker earning the minimum wage would earn relative to the poverty level for a family of three.

Table 1 shows the effective annual minimum wage from 1959 through 2005 for a full-time full-year worker, relative to the poverty level for a three-person family. The table shows when statutory changes to the federal minimum wage became effective. Average effective minimum wage rates for the year were calculated based on the pro-rated average of effective wage rates over the course of the year. For example, in 1997, the minimum wage was $4.75 per hour for the first eight months of the year (January through August), and $5.15 per hour for the last four months of the year (September through December). The average effective minimum wage for the year is thus: (($4.75 x 8) + ($5.15 x 4))/12, or $4.8833 per hour. Here, full-time full-year work is assumed to amount to 2,080 hours of work per year (40 hours per week x 52 weeks).

The poverty income level used here is the U.S. Census Bureau's average weighted poverty thresholds for a family of three. The earliest year for which official Census Bureau poverty income thresholds are available is 1959. Census Bureau poverty thresholds vary by family size and composition (e.g., the poverty threshold for a family differs by the number of children in the family). The average weighted thresholds reflect the average of the individual thresholds for a given family size by the observed distribution of families of varying composition in the population, as measured by the Census Bureau's Current Population Survey (CPS). Each year the Census Bureau updates the individual poverty thresholds to reflect changes in prices, and the average weighted thresholds, to reflect changes in the composition of the population for families of each size. The estimate for 2004 is based on the Census Bureau's preliminary average weighted poverty thresholds, which reflect price changes for 2004, but reflect the population weighting from 2003, as opposed to 2004. The final average weighted poverty thresholds for 2004, scheduled for release this fall, may differ by a few dollars from those shown here. The projected poverty thresholds for 2005 are based on the 2004 preliminary weighted poverty thresholds adjusted for average price inflation from January 2005 to May 2005, compared to the same period in 2004, which amounted to a 3.1 percent increase in the projected 2005 poverty thresholds, compared to the 2004 preliminary poverty thresholds. The Census Bureau will issue preliminary poverty thresholds for 2005 in January 2006, when price changes for the 2005 calendar year will be available. Final weighted poverty thresholds for 2005 won't be available until the fall of 2006.

Figure 1 depicts the basic trends shown in the table. Table 1 and Figure 1 show that the federal minimum wage was highest relative to poverty in 1968, when it amounted to 118.7 percent of poverty for a full-time full-year worker supporting three people. Since 1980, the minimum wage has been below the poverty line for a full-time full-year worker supporting a family of three. The most recent increase to the federal minimum wage to $5.15 per hour in September 1997 (from $4.75 per hour) brought full-time full-year minimum wage earnings for a family of three up to 82.4 percent of poverty. Since then, the nominal minimum wage of $5.15 per hour has eroded relative to the poverty level, which is adjusted each year for changes in prices. In 2005, full-time full-year earnings for a minimum wage worker amounts to $10,712, or 68.9 percent of the estimated projected poverty level for a family of three ($15,536). Based on the assumptions used, it is projected that the level of the minimum wage relative to poverty in 2005 will be at the lowest level seen at any time over the past 47 years.

TOM GABE,
Specialist in Social Legislation,
Domestic Social Policy Division.

CRS-3

Table 1. Relationship Between the Minimum Wage and Poverty for a Family of Three with One Full-Time Full-Year Worker Earning the Minimum Wage, 1959 to 2005

Year	Statutory federal minimum wage[a]	Average effective minimum wage for the year[b]	Annual earnings: 1 full-time full-year worker earning the effective minimum wage	Weighted average Census Bureau poverty threshold for a 3-person family[c]	Annual earnings as a percent of poverty for a 3-person family
1959	$1.00/hr., effective Mar. 1956	$1.00	$2,080	$2,324	89.5%
1960		$1.00	$2,080	$2,359	88.2%
1961	$1.15/hr., effective Sept. 1961	$1.05	$2,184	$2,383	91.6%
1962		$1.15	$2,392	$2,412	99.2%
1963	$1.25/hr., effective Sept. 1963	$1.18	$2,461	$2,442	100.8%
1964		$1.25	$2,600	$2,473	105.1%
1965		$1.25	$2,600	$2,514	103.4%
1966		$1.25	$2,600	$2,598	100.5%
1967	$1.40/hr., effective Feb. 1967	$1.39	$2,888	$2,861	108.5%
1968	$1.60/hr., effective Feb. 1968	$1.58	$3,293	$2,774	118.7%
1969		$1.60	$3,328	$2,924	113.8%
1970		$1.60	$3,328	$3,099	107.4%
1971		$1.60	$3,328	$3,229	103.1%
1972		$1.60	$3,328	$3,339	99.7%
1973		$1.60	$3,328	$3,548	93.8%
1974	$2.00/hr., effective May 1974	$1.87	$3,883	$3,936	98.6%
1975	$2.10/hr., effective Jan. 1975	$2.10	$4,368	$4,293	101.7%
1976	$2.30/hr., effective Jan. 1976	$2.30	$4,784	$4,540	105.4%
1977		$2.30	$4,784	$4,833	99.0%
1978	$2.65/hr., effective Jan. 1978	$2.65	$5,512	$5,201	106.0%
1979	$2.90/hr., effective Jan. 1979	$2.90	$6,032	$5,784	104.3%
1980	$3.10/hr., effective Jan. 1980	$3.10	$6,448	$6,565	98.2%
1981	$3.35/hr., effective Jan. 1981	$3.35	$6,968	$7,250	96.1%
1982		$3.35	$6,968	$7,693	90.6%
1983		$3.35	$6,968	$7,938	87.8%
1984		$3.35	$6,968	$8,722	79.9%
1985		$3.35	$6,968	$8,573	81.3%
1986		$3.35	$6,968	$8,737	79.8%
1987		$3.35	$6,968	$9,056	76.9%
1988		$3.35	$6,968	$9,435	73.9%
1989		$3.35	$6,968	$9,885	70.5%
1990	$3.80/hr., effective Apr. 1990	$3.69	$7,670	$10,419	73.6%
1991	$4.25/hr., effective Apr. 1991	$4.14	$8,606	$10,860	79.2%
1992		$4.25	$8,840	$11,186	79.0%
1993		$4.25	$8,840	$11,522	76.7%
1994		$4.25	$8,840	$11,821	74.8%
1995		$4.25	$8,840	$12,158	72.7%
1996	$4.75/hr., effective Oct. 1996	$4.38	$9,100	$12,516	72.7%
1997	$5.15/hr., effective Sept. 1997	$4.88	$10,157	$12,802	79.3%
1998		$5.15	$10,712	$13,003	82.4%
1999		$5.15	$10,712	$13,290	80.6%
2000		$5.15	$10,712	$13,738	78.0%
2001		$5.15	$10,712	$14,128	75.8%
2002		$5.15	$10,712	$14,348	74.7%
2003		$5.15	$10,712	$14,680	73.0%
2004[d]		$5.15	$10,712	$15,071	71.1%
2005[e]		$5.15	$10,712	$15,536	68.9%

Source: Table prepared by the Congressional Research Service (CRS).

[a] See CRS Report RS20040, *Inflation and the Real Minimum Wage: Fact Sheet*, by Brian W. Cashell, Jan. 24, 2005.

[b] Effective wage, prorated for the year. For example, in 1997, the minimum wage was $4.75 per hour for the first eight months of the year (January through August), and $5.15 per hour for the last four months of the year (September through December). The average effective minimum wage for the year is thus: (($4.75 x 8) + ($5.15 x 4))/12, or $4.8833 per hour.

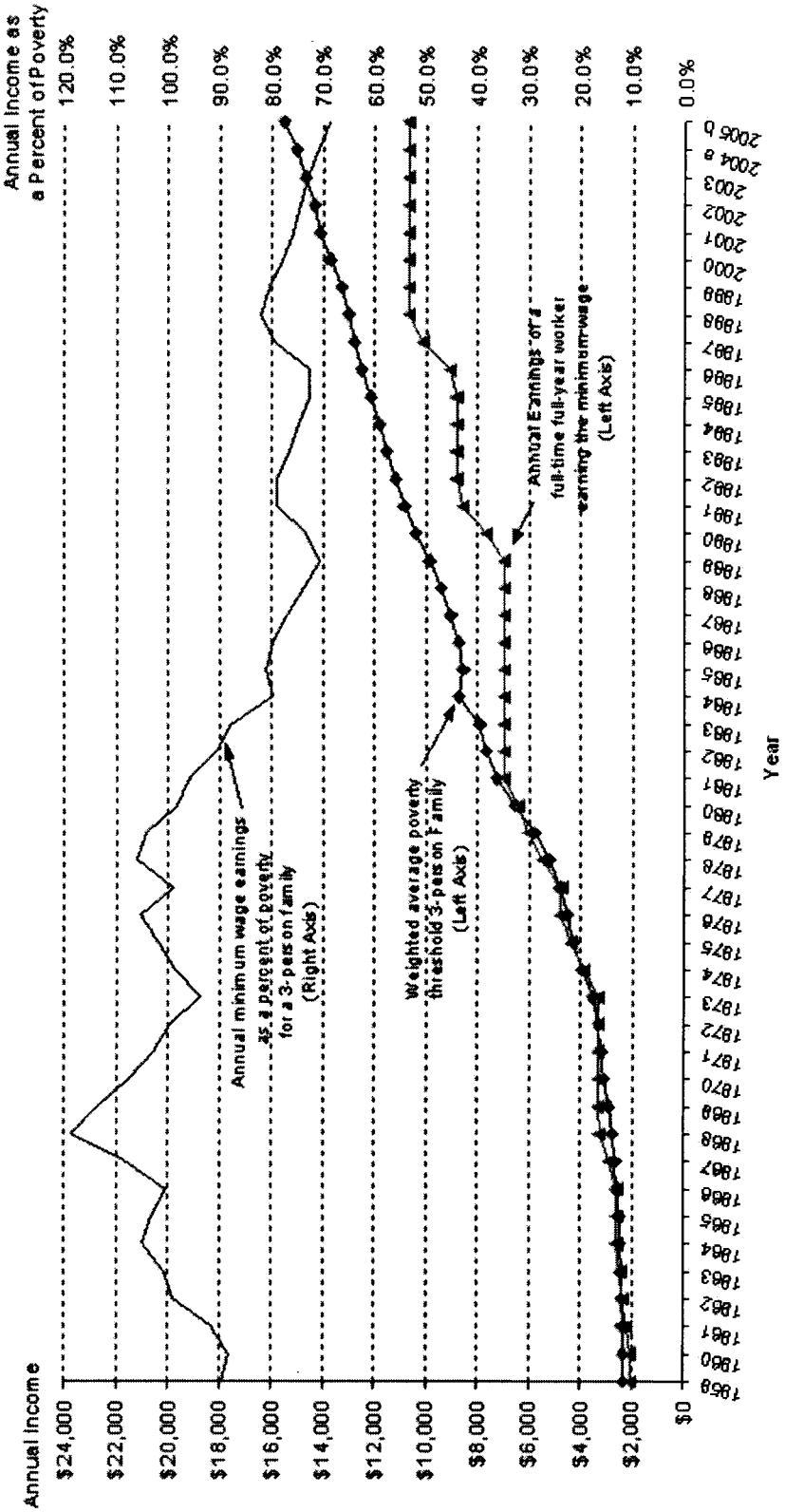
[c] U.S. Census Bureau weighted average poverty thresholds for a family of three. Historical tables at: [http://www.census.gov/hhes/www/poverty/histpov/hstpov1.html].

[d] Weighted annual average poverty threshold for a family of three is a preliminary estimate from U.S. Census Bureau: [http://www.census.gov/hhes/www/poverty/threshld/04prelim.html] accessed on June 29, 2005. Final published weighted average poverty thresholds may differ by a few dollars, when published in the fall of 2005.

[e] Projected 2005 poverty threshold based on 2004 preliminary estimated poverty threshold inflated to 2005 by the average increase in the CPI-U from January to May 2005, compared to January to May 2004.

CRS-4

Figure 1. Relationship Between the Minimum Wage and Poverty for a Family of Three with One Full-Time Full-Year Worker Earning the Minimum Wage, 1959 to 2005



a Preliminary 2004 poverty threshold issued by the U.S. Census Bureau.
b Projected 2005 poverty threshold based on preliminary 2004 threshold projected to 2005 by the change in average CPI-U from January through May 2005, compared to January through May 2004.
Source: Figure prepared by the Congressional Research Service (CRS).

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, today the minimum wage is at a level so low that it represents only one-third of the average hourly wage for American workers as a whole. This represents the lowest level for a minimum wage since 1949. This is not a ''living wage''; it is not even a ''minimum wage.'' It is actually a ''sub-minimum wage.'' Today, American families need a minimum wage increase because there is no maximum on gas prices at the pump. American families need a minimum wage increase because there is no maximum on the cost of prescription drugs and a doctor's visit. American families need a minimum wage increase because there is no maximum on the cost of getting a college education.

While the Bush administration sits on its hands as gas prices, tuition expenses, housing, and health care costs go through the roof, it nails the lid shut on most hard-working Americans as to how much they can earn.

Administration friends, like Halliburton, get no-bid, billion-dollar, open-ended contracts; but the administration cannot spare an extra eight quarters and a dime for those Americans that are doing some of the hardest and dirtiest work in our society.

Republicans call debate on this issue today ''out of order.'' I think it is really our economy that is out of order, when nurses who care for all of us cannot afford child care; when teachers' aids cannot put their own children through college; and when first responders, our police, fire fighters and EMT, cannot afford to live in the neighborhoods that they help protect.

Republicans have helped to make the richest richer than ever with one tax break after another and one special interest piece of legislation after another going through this House. Corporate executives have seen their compensation skyrocket, and the latest economic studies show that the gap between rich and poor in this country approaches Third World standards.

It is long past time for this Congress today, right now, to raise the minimum wage for those workers who are striving to climb up that economic ladder and share in the American Dream like the rest of us. Let us vote in favor of giving American workers and American families the minimum wage they deserve and do it today.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I also rise to ask my colleagues to vote ''no'' on the previous question so we can begin a discussion about the minimum wage and the need to provide for the Fair Minimum Wage Act, which would raise the minimum wage to $7.25. In 60 days after enactment, it would go to $5.85. In 1 year it would go to $6.55. And in 1 year after that, it would go to $7.25.

In the State of California that I represent, currently the minimum wage is at $6.75, and I can tell the Members that sometime back our legislature at one point did not want to enact reform in terms of providing minimum wage increases; so we went directly to the voters. We passed an initiative back in 1996 and were able to get support both from Republicans and from different religious denominations, labor groups, and just about everybody.

They saw that it was reasonable to provide a minimum wage increase to those that deserve it the most; and we are talking particularly about women, women who are in many cases the sole earner, bread winner for their families, families ranging anywhere from two to three children, trying to survive on a minimum wage.

Republicans joined us at that time, and I know that many would believe that this is not a burden on them and it is something that should be provided for all individuals. I can tell the Members that right now there are millions, 4.3 million, since President Bush took office, that are currently living in poverty. Nearly 36 million people, 13 million children.

Among the full-time year-round workers, poverty has doubled since the 1970s from about 1.3 million then to more than 2.6 million. This is an unacceptably low minimum wage that we are currently faced with right now in our country, $5.15. Other States in the Union have provided for more equitable, reasonable increases in the minimum wage. Why can the Federal Government not do the same thing? Let us move on. Let us make this agenda one that empowers our working families and not just those college students that are looking for jobs; but we are talking about retirees that are also trying to supplement their income as well.

I urge my colleagues to support an increase in the minimum wage.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me this time and also for his leadership.

Mr. Speaker, let me just say that I wish we were on the floor today actually passing a minimum wage bill. The reason why I say that is I do not believe there is one Member of Congress in their district, no matter whether they are representing Beverly Hills or representing Palm Springs or maybe they are representing the Gold Coast in one of our great cities or maybe one of the higher-priced areas in the city of Houston, does not have some person in that district that is suffering from a lack of a reasonable income and no health insurance.

We know there are 44 million uninsured individuals in America, but we also know there are individuals who cannot afford to make ends meet because of a lack of a minimum wage. We come to the floor today to do something that I think is unfortunate: one, to not pay attention to the need for an increase in the minimum wage. But we also dumbed down the safety requirements of America. Can one imagine an accident, a tragedy occurs in their plant and their employer now does not have the responsibility of notifying OSHA or the Department of Labor? What an outrage, Mr. Speaker, because we in America believe that the Federal Government is there to provide the necessary umbrella of safety, the umbrella of security for Americans.

And yet we have legislation on the floor that would extend or eliminate the 15-day time frame in which they are supposed to respond. It also takes away the responsibility of the Department of Labor from overseeing OSHA and overseeing safety, overturning a Supreme Court decision. I cannot imagine, Mr. Speaker, that we would be here today after celebrating July 4, home with our friends and family, pledging our allegiance to the flag of the United States and the values of America that we come back one day, one day after that recess where we were suggesting the need for providing for America and do this kind of legislation.

I close on this: we have on the front lines of Iraq young men and women who have offered their lives. They will come back here to take minimum wage jobs. What an outrage that these young men and women, Reservists and National Guard, are on the front line and now they cannot get an increase in the minimum wage because today we take away safety, but we do not provide for an increase in the minimum wage.

I ask my colleagues to vote ''no'' on the previous question and also I ask them to vote ''no'' on the underlying legislation.

Mr. Speaker, I rise in opposition to the rule, H. Res. 351, to provide for consideration of the four very contentious and overreaching bills that amend the Occupational Safety and Health Act (OSHA)—H.R. 739, H.R. 740, H.R. 741, and H.R. 742. I am utterly disappointed by the fact that the Committee on Rules has issued a closed rule on the debate over all three bills. Furthermore, it is no mistake that the rule fails to make in order the amendment offered by Reps. GEORGE MILLER and MAJOR OWENS to increase the minimum wage. This amendment is identical to the Minimum Wage bill that was introduced by Mr. MILLER that would increase the minimum wage from $5.15 per hour to $5.85 per hour 60 days after enactment, up to $6.55 per hour one year after the first increase, and $7.25 an hour one year from the second increase.

I oppose the underlying bills partly because the relief granted have nothing to do with "small businesses" as their titles purport. Among other, they address a single situation

by overturning a case out of the Second Circuit, Chao v. Russell P. Le Frois Builder, Inc. (Second Circuit, May 10, 2002) to allow the employer to contest an OSHA citation with a ridiculous amount of latitude.

In Houston, OSHA proposed fines of $258,000 against the Pasadena Tank Corporation for an August 23, 2001 accident that killed a worker at a construction site. The company had 15 days in which to contest or pay the fines. The Houston-based firm received a citation of six willful and serious safety violations for failing to protect workers by providing an inadequate fall protection system. The employee repairing a rooftop of a storage tank fell 56 feet to the ground when the rooftop collapsed. An OSHA employee said of the situation, ''The employer knew about the unsafe working conditions, but continued to place workers at risk . . . A similar incident happened two years ago when two employees fell to their deaths from a storage tank. This company's continued failure to protect its workers from falls is simply unacceptable.'' This failure to act when there is sufficient knowledge to mitigate an unsafe condition is what these bills will sanction and permit.

Our innocent employers should not be punished from a piece of legislation that attacks from the ''back door'' by weakening a procedural standard that has been set in place to protect them. We should follow the motto, ''if it isn't broken, don't fix it.''

Mr. Chairman, I oppose the rule and the underlying bills, and I strongly urge my colleagues to do the same.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), subcommittee chairman.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think we all want to make sure that the record is clear. Every court in this country allows for some leeway other than 15 days, and that is simply all this bill actually is doing. We are trying to give these small business owners the same right as litigants in every Federal court in the country. It is not very hard to figure out, and it is not very hard to understand why sometimes some people might lose the letter they get from OSHA. There are good reasons. And to say to them, Oh, gosh, you did not make 15 days? You do not get any justice. You do not get any day in court.

And I just want to put that in the record immediately following the previous speaker so if anybody ever reads it, they might get all the facts.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

First, I heard several times that the matter of the minimum wage is not germane to the four measures included in this one rule. The simple fact of the matter is that an amendment was offered at the Committee on Rules last night and that amendment was voted down on a party-line vote. So at least a discussion during the period of the rule allows the germaneness of the question having to do with the minimum wage, not so much of the substance of the base bill.

I will be asking Members to vote ''no'' on the previous question, Mr. Speaker, so I can amend the rule and allow the House to vote on the Miller-Owens bill to increase the Federal minimum wage. This amendment was offered in the Committee on Rules, as I just said, last night, but was defeated on a straight party-line vote.

My amendment to the rule would provide that immediately after the House adopts this rule, it will bring H.R. 2429 to the House floor for an up-or-down vote. This bill will gradually increase the minimum wage for Americans from the current level of $5.15 an hour to $7.25 an hour after about 2 years.

Mr. Speaker, it is time we in the House started helping American workers instead of taking away their rights as the four underlying bills in this rule do. I think one of the best things we can do to help working families is to increase the minimum wage. It has been nearly 10 years since this Congress has voted to increase the minimum wage, an increase that was signed into law by President Clinton in August of 1996. Since that time, the value of that increase has eroded by 20 percent. A full-time minimum wage earner is working 40 hours a week, makes about $10,700 annually, an amount that is $5,000 below the poverty line for a family of three.

Clearly we are way overdue for another increase. Somehow we have had time to implement numerous tax breaks for the wealthiest Americans, but we have turned our backs on those who work the hardest and are paid the least, those who struggle to make ends meet every day.

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I think it is time this Congress developed a conscience and started helping those who need help the most.

Mr. Speaker, I urge all Members of this body to vote ''no'' on the previous question so we can help these 7.5 million American workers who directly benefit from an increase in the minimum wage.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. FORBES). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last term, when I was a freshman here, having had some State legislative experience, I remember sitting back there by the rail talking to some other freshmen saying one of the things we need to do desperately in this body is have the rule that there should be one bill and one issue. If we did that, it would create better transparency and actually better legislation that people would understand.

I think our discussions today illustrate that point. I have a great deal of empathy for the gentleman from Texas who spoke a few moments ago, a good friend, a good legislator, and he said, the bills we have before us would not solve the problem that he introduced. He was totally accurate, because the topic of his amendment is not the same as the topic of the bills we have before us today, which is why they were ruled nongermane and not put in on the rule itself.

I think we have had some fascinating words that I have enjoyed. I am going to call it fascinating rhetoric today, not really debate, because like ships passing in the night that never touch, so has our discussion from both sides of the aisle gone forward, but never really discussed the same topic at the same particular time.

The four bills we have before us are very narrow in their approach, and they are very good bills, because they help small businessmen and small business women to try and negotiate the rule process with OSHA. They deserve our support, as they deserve the support they got last year when they were discussed in committee; last year when we passed them with bipartisan support on the floor; this year, once again, as they were discussed in committee, because the goal of those bills is to eliminate the conflict between the Federal Government and small business and, instead, to enhance cooperation. And that enhanced cooperation will make a better atmosphere for the business community in America and make a better country for all of us. That is the point of these four very good, very narrow and very specific bills.

I urge the Members to support this rule. It is a fair rule. I urge the Members to support the four underlying bills. They are good bills.

Mr. LEVIN. Mr. Speaker, I rise in strong opposition to the four bills the House is considering today.

There is a real disconnect between the issues the American people say they want Congress to address, and the legislative agenda of the Majority Party that runs the House of Representatives. Three months ago, NBC News and the Wall Street Journal commissioned a poll that asked Americans about the issues they felt were important for Congress to be engaged on. The response was clear. The number-one ranked issue that Americans want Congress to deal is workplace health and safety. A full eighty-four percent of those surveyed said they wanted Congress to spend more time addressing this issue.

Americans are right to be concerned. Almost 6,000 workers a year die due to accidents in the workplace. Tens of thousands more die every year due to occupational illnesses.

So what is the response of the Congressional leaders? Today they have brought four bills to the House Floor that weaken enforcement of workplace health and safety. Instead of addressing the need to improve health and safety conditions on the job, these four bills

would undermine worker protections under the Occupational Safety and Health Act.

Are the American people wrong in demanding that Congress strengthen workplace health and safety? It seems to me that the Congressional leaders and the Majority Party are out of touch with working Americans that they continue to advance legislation that would take us in exactly the opposite direction.

I urge my colleagues to join me in opposing these workplace safety rollbacks.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to the Republican attack on workplace health and safety represented by the four bills offered today amending the Occupational Safety and Health Act. Once again in this Republican Congress, the lobbying power of big business takes precedence over the well being of hard working Americans.

Every year almost 6,000 workers in this country die due to workplace accidents. That number will surely rise if the Republicans are successful in passing these four bills. I could understand if Congress wanted to attack supposedly overbearing OSHA regulations, but this legislative package makes it harder for OSHA to enforce even the most non-controversial workplace safety regulations. Republicans have no interest in actually reforming OSHA, they merely want another notch on the bedpost to attract more campaign contributions from big business.

In post 9/11 America, strong enforcement of OSHA regulations can save lives. In the unfortunate event of another terrorist attack, it is OSHA who ensures clear ingress and egress from buildings, and proper size and placement of stairwells and exits to facilitate emergency evacuations. The bills before us undermine OSHA's ability to effectively enforce these vital safety standards. Once again, the misguided priorities of the Republicans and the Bush Administration seem more concerned about corporate profits than the safety of our workers.

Even more shameful, is the message these bills send about the true Republican agenda for labor rights. For over a year, Republicans in Congress have been talking about how the Central America Free Trade Agreement (CAFTA) improves working conditions in other countries. Not only is that contention blatantly false, it is clear from this legislation that Republicans don't care about working conditions in this country, let alone in Central America.

We should not undermine worker health and safety for the benefit of big business. I urge my colleagues to look past the rhetoric of ''OSHA reform'' and vote against these destructive bills that erode worker protections.

Mr. BACA. Mr. Speaker, I rise in opposition to the previous question on the rule. We need to allow for Democratic amendments, namely one to increase the federal minimum wage.

While Republicans demand up or down votes on controversial appointees, why are American families denied an up or down vote on the Miller-Owens bill to raise the minimum wage. The Miller-Owens bill would gradually raise the minimum wage by $2.10—from $5.15 to $7.25 an hour.

The minimum wage has been frozen at $5.15 since 1997. The inflation-adjusted minimum wage is 26 percent lower today than it was in 1979. If the minimum wage had just kept pace with inflation since 1968 when it was $1.60 an hour, the minimum wage would now be $8.88 an hour.

The number of Americans in poverty has increased by 4.3 million since President Bush took office—and the minimum wage is part of the problem. Nearly 36 million Americans live in poverty, including 13 million children. This is a travesty that must end.

Increasing the minimum wage would help lift a half million workers rise out of poverty and would not have any impact on jobs, employment or inflation. In the four years after the last minimum wage increase passed, the economy experienced its strongest growth in over three decades. Nearly 11 million new jobs were added, at a pace of 232,000 per month. There were ten million new service industry jobs, including more than one and a half million retail jobs.

Mr. Speaker, a fair increase in the minimum wage is long overdue, and I urge my colleagues to defeat the previous question so we can vote on the Miller-Owens minimum wage bill.

Mr. HONDA. Mr. Speaker, I rise today to oppose efforts to pass legislation that will harm the American worker. Republicans are again bringing forward bills that would rollback worker safety regulations under the jurisdiction of the Occupational Safety and Health Administration (OSHA). All four of the bills being voted on today passed the House in the 108th Congress, but the Senate very reasonably did not even hold mark-ups on these bills.

The four bills are coming up notwithstanding the fact that we are at a point in time when workplace safety remains a critical national problem. Almost 6,000 workers a year die due to workplace accidents and another estimated 50,000 to 60,000 die every year due to occupational illnesses. Sadly, the bills on floor today will endanger the lives of even more workers by: making it easier for employers to challenge OSHA citations, unnecessarily expanding the OSHA Review Commission, undermining the enforcement authority of the Secretary of Labor, and punishing OSHA for substantially justified enforcement actions if the agency does not completely prevail.

More specifically, H.R. 739 rolls back OSHA's ability to enforce the law. One of the principle purposes of the Occupational Safety and Health Act is ''to assure so far as possible every working man and woman in the nation, safe and healthful working conditions.'' This bill would have the effect of delaying the timely abatement of unsafe working conditions, by encouraging employers to litigate citations rather than correct health and safety hazards.

H.R. 740 is an attempt to stack the Occupational Safety and Health Review Commission with Republican nominees by expanding it from three to five members (with the newest members to be appointed by the Bush Administration). The Commission has functioned with three members since its establishment in 1970 and there has never been a demonstrated need for additional commissioners.

H.R. 741 reduces the authority of the Secretary of Labor to issue citations. This bill overturns a unanimous 1991 Supreme Court decision in Martin v. OSHRC, which held that the Labor Department should be given deference in interpreting worker safety laws.

Finally, H.R. 742 would require OSHA to pay attorneys' fees and costs for certain employers in any case in which OSHA did not prevail, regardless of the reason why the agency did not prevail. OSHA would be required to pay even if the agency was substantially justified in bringing the complaint which will have the effect of dissuading OSHA from pursuing many legitimate claims.

Mr. Speaker, since taking office in January 2001, the Bush Administration has turned its back on workers and workplace safety. The Administration started its assault on worker safety soon after taking office by repealing OSHA's ergonomics standard. I view this week's attempt to rollback worker safety regulations as another example of the Administration's misguided priorities.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the four bills relating to the Occupational Safety and Health Act that the House of Representatives is scheduled to consider today. While these measures purport to protect the safety and health protections of millions of American workers, in reality, they will do nothing of the kind, and will instead undermine existing workplace health and safety laws.

The statistics on workplace safety is frightening. It is estimated that nearly 4.7 million workers are injured and almost 6,000 workers die due to workplace accidents each year. Thanks to the Occupational Safety and Health Act, workplace safety and health conditions have improved, though there are still great strides to be made, and this is the time for OSHA regulations and requirements to be strengthened, not weakened. On an average day, 152 workers lose their lives as a result of workplace injuries and diseases, and another 12,877 are injured.

These measures do not address the fact that workers are still losing their lives due to unsafe working conditions. Instead these bills punish the very workers the authors of these measures claim they are trying to protect. By allowing employers to challenge OSHA citations, they will undermine the Occupational Safety and Health Act's enforcement policies by penalizing the agency when it attempts to enforce the OSHA law and does so unsuccessfully.

H.R. 742 would require OSHA to pay attorneys' fees and costs for employers with 100 or less employees and a net worth of $7 million or less in any administrative or judicial proceeding in which OSHA does not prevail. While OSHA is already required by law to pay attorneys' fees and costs in any proceeding in which the agency's charge is not substantially justified, H.R. 742 goes beyond that, because now OSHA will be hesitant to cite employees for violations of the OSHA unless there is absolute certainty that they will prevail in a court of law. If OSHA, the federal agency that is tasked with enforcing the law, is hesitant to raise awareness to a meritorious workplace safety issue because they might not win, the true losers in this case are the American workers. Employees have no private right of action under OSHA and depend on the Occupational Safety and Health Administration to address their concerns and remedy violations of the law.

H.R. 742 also purports to help ''small businesses'' recover the cost of attorney's fees, but in fact, this bill would apply to the majority of private sector workplaces. It is widely known that across all industries, businesses with fewer than 100 employees have a higher rate of fatal occupational injuries than do businesses with 100 or more workers, which typically have better workplace safety standards in place. It is troubling that this Congress is attempting to rollback the few safety and health workplace regulations that are currently in

place, instead of strengthening OSHA standards in order to save the lives of American workers.

I urge all my colleagues to vote against these measures and protect the rights of American workers and their families who deserve a decent, safe and healthy workplace.

Mr. EVANS. Mr. Speaker, I rise to oppose the rule and to discuss my concerns with the current efforts to reform the Occupational Health and Safety Act through the four bills before us today.

As my colleagues know, the Occupational Safety and Health Act of 1970 created OSHA to protect American workers while they are at their workplaces. Since then, workplace fatalities have been cut in half and occupational injury and illness rates have declined 40 percent. This record of protection is commendable, but nearly 6,000 workers a year die due to workplace accidents. We need to continue to work to prevent the needless loss of life. Reforming OSHA oversight and procedures to the disadvantage of workers will not do that.

I am deeply concerned that H.R. 739, 740, 741, and 742 will do nothing to protect workers who are dependent on OSHA to ensure their safety. Instead, these bills will open up OSHA to increased challenges to citations, subject the OSHA Review Commission to political tampering, undermine the enforcement authority of the Secretary of Labor, and punish OSHA for justified enforcement actions if the agency does not completely prevail. None of these measures will improve the safety of the workplace.

American workers deserve to know that when they go to the workplace they will be protected from work-related harm. I believe that OSHA is essential to maintaining the high level of safety and productivity that America's workers currently enjoy and these measures will prevent improvements to the system. I urge my colleagues to vote against these blatantly anti-worker pieces of legislation and against the rule.

Ms. MATSUI. Mr. Speaker, I rise today to urge my colleagues to vote down H.R. 739, 740, 741 and 742 in order to ensure the continued health and safety of America's workers.

We are here today to talk about improving the lives of America's workers, but the quartet of bills before us would only serve to further endanger them. Together these bills represent a one-sided rollback of the workplace health and safety standards established by the Occupational Safety and Health Administration (OSHA) and would lead to increases in workplace injury, illness and quite possibly death.

For our nation's workers, this is a matter of life and death—by the end of today, 15 workers will have died and 12,000 will have sustained an injury or illness because of workplace incidents. Congress should be making law to improve workplace safety. And while this seems to be the view of the vast majority of the country, my colleagues on the other side of the aisle have put forth legislation today that does exactly the opposite.

This legislation will undercut the ability of OSHA to enforce its own rules and actually creates a legal loophole, which will allow businesses to stall and avoid addressing a safety violation. Adding insult to injury, the legislation allows President Bush to stack the Occupational Safety and Health Review Commission, the body responsible for OSHA appeals, with Republican appointees subservient to business interests. Inexplicably, one measure actually punishes OSHA for attempting to enforce its own workplace safety standards.

While the Congressional Budget Office estimates the cost of the bill, it is unable to estimate the cost to America's workers . . . the lives lost or the injuries sustained as a result of this misguided legislation. Republicans argue that this legislation will help all businesses. The small businesses that I know would benefit far more from having safe and healthy workers than from having a law that encourages more dangerous work environments. In fact, Liberty Mutual, the largest workers' compensation insurance company, estimates that the direct cost of occupational injuries and illnesses is $1 billion a week. Considering these massive costs, we should be strengthening workplace safety standards, not undercutting them.

But Congress has a choice today. We actually have the opportunity to do something that would benefit workers. My distinguished colleague, GEORGE MILLER, the Ranking Member of the Education and Workforce Committee, has offered a bill that rather than attacking OSHA, would instead raise the minimum wage from $5.15 to $7.25 an hour. This would allow workers to better meet the basic challenges they face everyday like paying rent, putting food on the table and getting access to health care.

It is truly a statement of this nation's priorities that an individual who is working at a minimum wage job, lives below the poverty line. Barbara Ehrenreich, a New York Times reporter, tried to do so—moving from Florida to Maine to Minnesota, she worked as a waitress, a hotel maid, a cleaning woman, a nursing home aide, and a Wal-Mart sales clerk. What she learned and shared in her book, appropriately titled, "Nickel and Dimed: On (Not) Getting by in America," was that one job is not enough, especially if you want to live inside.

This is the real challenge that Americans are facing and Congress should be seeking to address, but the bills we are considering merely serve to undercut the government's ability to enforce workplace safety guidelines. It is shameful that in the same breath the Republican leadership advocates reducing worker safety and refuses to even permit a vote on raising the minimum wage.

We truly have a choice today—an opportunity to actually improve the lives of America's workers, those who propel our economy forward—we should not overlook this. I urge my colleagues to vote no on the previous question to support real help for America's workers.

The amendment previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 351, THE RULE PROVIDING FOR CONSIDERATION OF FOUR OSHA BILLS H.R. 739, H.R. 740, H.R. 741, H.R. 742

At the end of the resolution add the following new section:

"SEC. ____. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions."

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 351 will be followed by 5-minute votes on House Resolution 351, if ordered; a motion to suspend the rules on House Resolution 352, by the yeas and nays; and a motion to suspend the rules on House Resolution 343, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 223, nays 191, not voting 19, as follows:

[Roll No. 365]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary

Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—191

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Abercrombie
Berman
Brown, Corrine
Carson
Clay
Conyers
Delahunt
DeLay
Ehlers
Gonzalez
Hinojosa
Jones (OH)
Marchant
Miller (FL)
Myrick
Obey
Ortiz
Pombo
Shadegg

□ 1339

Mr. SCOTT of Georgia, Mrs. NAPOLITANO and Mrs. LOWEY changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 365 I was on the floor and voted, but for some reason the vote was not recorded by the electronic system.

Had the vote been recorded, I would have voted "yea."

Stated against:

Mr. ROTHMAN. Mr. Speaker, on rollcall No. 365, I inadvertently voted "yea," when I intended to vote "nay."

Ms. CARSON. Mr. Speaker, due to a previously scheduled speaking engagement, I was unavoidably delayed during rollcall vote No. 365. Had I been present I would have voted "nay."

The SPEAKER pro tempore (Mr. FORBES). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 189, not voting 20, as follows:

[Roll No. 366]

AYES—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—189

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky

Wasserman Schultz
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Abercrombie
Berman
Brown, Corrine
Clay
Conyers
Delahunt
Frank (MA)
Gonzalez
Hinojosa
Jones (OH)
Kennedy (RI)
Miller (FL)
Myrick
Obey
Ortiz
Poe
Pombo
Price (GA)
Shadegg
Watt

□ 1347

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of July 12, I missed one rollcall vote. It was my intention to vote "no" on rollcall 366 for H. Res. 351, Rule providing for consideration of H.R. 739, H.R. 740, H.R. 741, and H.R. 742.

PROVIDING THAT THE HOUSE OF REPRESENTATIVES WILL FOCUS ON REMOVING BARRIERS TO COMPETITIVENESS OF THE UNITED STATES ECONOMY

The SPEAKER pro tempore (Mr. FORBES). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 352.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, H. Res. 352, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 177, not voting 14, as follows:

[Roll No. 367]

YEAS—242

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—177

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Cleaver
Clyburn
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Abercrombie
Brown, Corrine
Clay
Conyers
Gonzalez
Hinojosa
Johnson (IL)
Jones (OH)
Miller (FL)
Myrick
Obey
Ortiz
Pombo
Shadegg

□ 1356

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 367 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was delayed in my district attending a very important Base Realignment and Closure Commission hearing of critical importance to my constituents. Had I been here, I would have voted "yes" on rollcalls 363, 364, 368 and "no" on rollcalls 365, 366 and 367.

COMMENDING THE STATE OF KUWAIT FOR GRANTING WOMEN CERTAIN IMPORTANT POLITICAL RIGHTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 343.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 343, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 368]

YEAS—420

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble